

### REMARKS

Claims 1-9 and 24-26 are pending in the subject application, and currently stand rejected. In an effort to expedite the prosecution of the subject application and without conceding as to the substance of the rejections, Applicant is amending claims 1, 7, and 24, and is cancelling claims 8-9, without prejudice or disclaimer of the subject matter contained therein. Accordingly, claims 1-7 and 24-26 are now pending in the subject application. Applicant respectfully requests reconsideration of the subject application in view of the following remarks.

#### Claim Rejections – 35 U.S.C. §101

The Examiner has rejected claims 1-6 and 24-26 as allegedly directed to non-statutory subject matter. Applicant respectfully traverses these rejections of the claims. In any event, Applicant has amended claim 1 to now specify an apparatus comprising “a processing unit” and “a memory ... including a preferences module ... and a presentation module.” In view of this amendment, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §101.

#### Claim Rejections – 35 U.S.C. §103

The Examiner has rejected the claims as allegedly unpatentable over Sturgeon (US 6,064,385) in view of other cited references. Applicant respectfully traverses these rejections of the claims.

With respect to the claimed feature of synchronizing presentation settings with respective portions of an audio/video program, the Examiner appears to interpret this feature as satisfied whenever presentation settings are applied to an audio/video program. For purposes of further clarification, Applicant has amended claim 1 to now specify “receiv[ing] input by said first user at different times during an initial playback session of said audio/video program ... synchroniz[ing] said first presentation settings with respective ones of said first portions of said audio/video program according to said different times when said input by said first user is received during said initial playback session of said audio/video program,” and, “during a subsequent playback session of said audio/video program ..., ... selectively apply said first presentation settings to respective ones of said first portions of said audio/video program, such that said first presentation settings remain synchronized with respective ones of said first

portions of said audio/video program during said subsequent playback session.” Sturgeon fails to teach or suggest synchronizing presentation settings with respective portions of an audio/video program according to different times when input by a user is received during an initial playback session, and further fails to teach or suggest applying the presentation settings to those portions of the audio/video program during a subsequent playback session, such that the presentation settings remain synchronized with those portions of the audio/video program.

The deficiencies of Sturgeon are not remedied by the remaining cited references. For at least these reasons, claim 1 and its dependent claims 2-7 and 24-26 should be in a condition for allowance.

#### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the subject application is now in a condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

Date: \_\_\_\_\_

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